

JFW

M. Wayne Western
Registered Patent Attorney
Western@tnw.com

Gary P. Oakeson
Registered Patent Attorney
Oakeson@tnw.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/829,468, Filed 4/21/2004
Inventor(s): Motyka et al.
**NON-GMO METAL AMINO ACID CHELATES AND NON-GMO
METAL AMINO ACID CHELATE-CONTAINING COMPOSITIONS**
Confirmation No.: 6421
Group Art Unit: 1646
Attorney Docket No. 22305

Dear Sir/Madam:

Transmitted herewith for filing and pursuant to 37 C.F.R. §§ 1.56 and 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form PTO-1449 list of 46 (forty-six) reference(s) submitted for consideration.
- ☐ Legible copies of all the listed references or their relevant portions.
- ☒ Legible copies of the listed non-patent documents and foreign documents or their relevant portions are included.
- ☒ Copies of U.S. patents and/or publications are not included pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. 1.98(a)(2)(i).
- ☐ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

www.tnw.com

8180 South 700 East • Suite 200 • Sandy, Utah 84070-0562 • 801.566.6633 • f. 801.566.0750 • patlaw@tnw.com | U.S. Mailing Address: P.O. Box 1219 • Sandy, Utah 84091-1219

The Team Approach to Premier Performance®

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☐ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

- ☐ Statement under 37 C.F.R. § 1.97(e)(1) or (2).
- ☐ Check No. _____ in the amount of \$180.00 (amount in § 1.17(p)) constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Statement meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 20-0100 of the undersigned.

Dated this 22nd day of July, 2004.

Respectfully submitted,



M. Wayne Western
Attorney for Applicant
Registration No. 22,788

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633

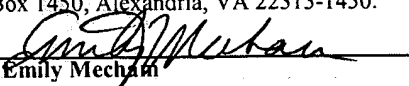


MWW/GPO/em
Enclosures



PATENT APPLICATION
Attorney Docket No.: 22305

IN THE UNITED STATES PATENT & TRADEMARKS OFFICE

ART UNIT: 1646	INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 DATE OF DEPOSIT: <u>7/22/04</u> I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  Emily Mecham
APPLICANT: Motyka et al.	
SERIAL NO.: 10/829,468	
FILED: 4/21/2004	
CONFRM. NO.: 6421	
FOR: NON-GMO METAL AMINO ACID CHELATES AND NON-GMO METAL AMINO ACID CHELATE- CONTAINING COMPOSITIONS	
ATTORNEY DOCKET NO. 22305	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed pursuant to:

- ☒ 37 C.F.R. § 1.97 (b)(1) or (3), within three months of the filing date of the application, or before a first office action on the merits, whichever occurs last;
- ☐ 37 C.F.R. § 1.97 (c), after a first office action on the merits, but before a Final Office Action or a Notice of Allowance, whichever occurs first, and is accompanied by either 1) a statement in accordance with 37 C.F.R. § 1.97(e), or 2) the fee set forth in § 1.17(p); or
- ☐ 37 C.F.R. § 1.97 (d), after a Final Office Action or Notice of Allowance, whichever occurs first, but on or before payment of the issue fee, and is accompanied by both 1) a statement in accordance with 37 C.F.R. § 1.97(e), and 2) the fee set forth in § 1.17(p).

While no representation is made that any of these references may be "prior art" within the meaning of that term in accordance with 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously submitted or listed,

are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

☐ In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each listed reference (or relevant portion thereof) which was not previously submitted to, or cited by, the Patent Office is also enclosed.

☒ Copies of U.S. patents and/or publications are NOT included pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. 1.98(a)(2)(i).

☒ A legible copy of each of the listed non-patent literature and foreign documents or their relevant portions is enclosed.

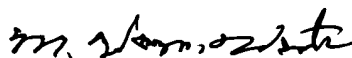
☐ The references listed in the accompanying Form PTO-1449 are NOT enclosed because, under 37 C.F.R. § 1.98(d), they were previously cited by or submitted to the Office in application number _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

For all listed references that are not either in the English language, or accompanied by a translation into English, a concise explanation of relevance as required under 37 C.F.R. § 1.98(a)(3) is enclosed attached to each.

Please charge any additional fees or credit any overpayment to Deposit Account No. 20-0100.

Dated this 22nd day of July, 2004.

Respectfully submitted,



M. Wayne Western
Attorney for Applicant
Registration No. 22,788

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633



MWW/GPO/em

PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
22305SERIAL NO.
10/829,468

APPLICANT Motyka et al.

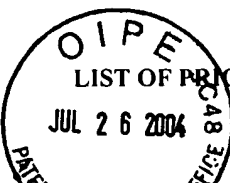
FILING DATE
4/21/2004GROUP
1646

LIST OF PRIOR ART CITED BY APPLICANT



U.S. PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	3,969,540	07/13/1976	Jensen			
	A2	4,020,158	04/26/1977	Ashmead et al.			
	A3	4,076,803	02/28/1978	Ashmead			
	A4	4,103,003	07/25/1978	Ashmead			
	A5	4,169,716	10/02/1979	Ashmead			
	A6	4,169,717	10/02/1979	Ashmead			
	A7	4,172,072	10/23/1979	Ashmead			
	A8	4,201,793	05/06/1980	Ashmead			
	A9	4,216,143	08/05/1980	Ashmead			
	A10	4,216,144	08/05/1980	Ashmead			
	A11	4,491,464	01/01/1985	Ashmead et al.			
	A12	4,167,564	09/11/1979	Jensen			
	A13	4,529,434	07/16/1985	Ashmead			
	A14	4,599,152	07/08/1986	Ashmead			
	A15	4,725,427	02/16/1988	Ashmead et al.			
	A16	4,774,089	09/27/1988	Ashmead			
	A17	4,830,716	05/16/1989	Ashmead			
	A18	4,863,898	09/05/1989	Ashmead et al.			
	A19	5,162,369	11/10/1992	Ashmead et al.			
	A20	5,270,297	12/14/1993	Paul et al.			
	A21	5,292,538	03/08/1994	Paul et al.			
	A22	5,292,729	03/08/1994	Ashmead			
	A23	5,516,925	05/14/1996	Pedersen et al.			
	A24	5,596,016	01/21/1997	Ashmead et al.			
	A25	5,614,553	03/25/1997	Ashmead et al.			
	A26	5,882,685	03/16/1999	Ashmead			
	A27	5,888,553	03/30/1999	Grant et al.			
	A28	6,114,379	09/05/2000	Wheelwright et al.			

PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE 	ATTY. DOCKET NO. 22305	SERIAL NO. 10/829,468
	APPLICANT Motyka et al.	
	FILING DATE 4/21/2004	GROUP 1646

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A29	6,159,530	12/12/2000	Christiansen et al.			
	A30	6,166,071	12/26/2000	Ashmead et al.			
	A31	6,207,204	03/27/2001	Christiansen et al.			
	A32	6,294,207	09/25/2001	Christiansen et al.			
	A33	6,299,914	10/09/2001	Christiansen et al.			
	A34	6,407,138	06/18/2002	Ashmead et al.			
	A35	6,426,424	07/30/2002	Ashmead et al.			
	A36	6,458,981	10/01/2002	Ashmead et al.			
	A37	6,518,240	02/11/2003	Pedersen et al.			
	A38	6,706,904	03/16/2004	Hartle et al.			
	A39	6,710,079	03/23/2004	Ashmead et al.			
	A40	6,716,814	04/06/2004	Ericson et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	A41						

OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)

	A42	Determination of Amino Acids in Cell Cultures and Fermentation Broths, Dionex Application Note 150, pp 1-15.
	A43	RICCARDI, GIOVANNA ET AL., Production of Amino Acids by Analog-Resistant Mutants of Cyanobacterium Spirulina platenis, Journal of Bacteriology, (Sept. 1981), pp. 1002-1007.
	A44	Cattle Nutrition - Mycotoxins and Intoxications, Abstracts - XXII World Buiatrics Congress 2002, (August 18-23, 2002 - Abstract Nos. 1-364, 2-689, 3-229, 4-788, 5-755, 6-157, 7-825, 7-757, 9-226, 10-393, 11-645, 12-904, 13-802), Hannover, Germany.
	A45	TORIDE, YASUHIKO, Lysine and other amino acids for feed: production and contribution to protein utilization in animal feeding.
	A46	TAKAHASHI, N. ET AL., Acid-neutralizing activity during amino acid fermentation by Porphyromonas gingivalis, Prevotell intermedia and Fusobacterium nucleatum, Oral Microbiology Immunology, (April 2003), 109-113(5), Vol. 18, no. 2.
	A47	Amino Acides are Made from Natural Materials, Encyclopedia of Amino Acids, April 9, 2004, pp. 1-2.

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant.